

REMARKS

Claims 1-39 are cancelled without prejudice or disclaimer. Applicant reserves the right to seek patent protection for the subject matter of those cancelled claims in further patent applications. New claims 40-57 are added herein. No new matter has been added to the application by the present Amendment.

By an Amendment filed on May 15, 2006, applicant amended certain claims and added other claims to the application. In response to that Amendment, the Office has issued a Notice of Non-Compliant Amendment dated November 13, 2008, indicating that the newly amended or new independent claims 1, 35 and 38 were directed to an invention that is independent or distinct from the inventions originally claimed. The Office further stated that, since applicant had received an action on the merits of the originally presented Inventions, all of the pending claims are withdrawn from consideration as being directed to a non-elected invention.

For purposes of seeking to expedite the prosecution of the present application, Applicant has replaced the claims with a new set of claims that correspond, in various respects, to the original claims 1-9. In particular, new claim 40 corresponds to original claim 1, but with the following changes: (1) the step of requiring additional information from original claim 1 is recited in claim 40 as requiring “predefined” additional information; and (2) claim 40 further includes a step of “providing the given recipient processor with access to first information without requiring the predefined additional information in the event that the given recipient processor is not determined to be within the predefined location or region.” New claim 40 is supported by the original application, including original claim 1 and paragraphs [0058] and [0059]. New dependent claims 41-48 correspond to original dependent claims 2-9, respectively, but are dependent on new claim 40.

New claim 49 also corresponds to original claim 1, but with the following changes: (1) the step of requiring additional information from original claim 1 is recited in claim 40 as requiring “predefined” additional information; and (2) claim 49 further includes a step of “providing the given recipient processor with access to second information without requiring the predefined additional information in the event that the given recipient processor is not

determined to be within the predefined location or region, wherein the one of the first and second information is a partial access but not full access to a product or service and the other of the first and second information is full access to the product or service.” New claim 49 is supported by the original application, including original claim 1 and paragraphs [0058] and [0059]. New dependent claims 50-57 correspond to original dependent claims 2-9, respectively, but are dependent on new claim 49. Accordingly, the amendments made herein do not add new matter to the application.

In the Office Action dated December 15, 2005, the Examiner objected to the drawings as including informal drawings for Figures 7-12 and for missing labels for elements in Figure 1 and for element 18 in Figure 2. In response, drawing amendments and formal drawings for Figures 7-12 were submitted in May of 2006 and are believed to have been accepted by the Office. Applicant requests verification of the acceptance of the drawing amendments and formal drawings submitted in May of 2006. Withdrawal of the objection to the drawings is requested, in view of the drawing amendments.

In addition, the claims were rejected as follows:

1. Claims 1, 2 and 6-8 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,317,718 to Fano.
2. Claim 1 was alternatively rejected and claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,236,330 to Cohen.
3. Claims 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,317,718 to Fano.
4. Claims 10-13 and 15-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,236,330 to Cohen.
5. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,236,330 to Cohen in view of U.S. Patent No. 5,612,741 to Loban et al.

Each of those rejections is respectfully traversed, in view of the new claims 40-57 submitted herewith. It is submitted that each of claims 40-57 is patentably distinct from each of the above-cited patent references.

For example, new independent claim 40 recites a “method for controlling the distribution of information from an information provider processor to a plurality of recipient processors on a communications network, based on the geographic locations of the recipient processors.” The method in claim 40 comprises, among other features, “receiving location information ...; determining, from the location information, whether the geographic location of the given recipient processor is within a predefined location or region; requiring predefined additional information before providing the given recipient processor with access to first information in the event that the given recipient processor is determined to be within the predefined location or region; and providing the given recipient processor with access to first information without requiring the predefined additional information in the event that the given recipient processor is not determined to be within the predefined location or region.”

A method as recited in claim 40 is neither described nor suggested by Fano, Cohen or Loban et al., alone or in combination. In particular, none of the cited references teach or suggest a method or system “requiring predefined additional information before providing the given recipient processor with access to first information in the event that the given recipient processor is determined to be within the predefined location or region,” yet “providing the given recipient processor with access to first information without requiring the predefined additional information in the event that the given recipient processor is not determined to be within the predefined location or region.”

Instead, Fano describes a system and method in which an agent creates customized offers based on the location of a user and pre-defined items of interest to that user. Fano’s system and process uses additional information (pre-defined items of interest, etc.) regardless of the location of the user. No part of Fano’s system or process is configured to require predefined additional information before providing access to first information in the event that the recipient processor is determined to be within a predefined location or region, yet provide the recipient process with

access to the first information without requiring the predefined additional information in the event that the recipient process is not determined to be within a predefined location or region.

Cohen describes a mobile display system that includes a portable display device 14 and controller 16 connected for communication with a station 20, where the controller 16 retrieves pre-recorded display information from the station 20 for display on the display device 14. The controller 16 can obtain display information from the station 20 and store the display information for display on the display device 14, when the display device is in a designated location. (Cohen, col. 4, ll. 33-42.) In addition, the controller 16 can contact the station 20 to obtain new display information, in the event that the display device 14 is not in a designated location. (Cohen, col. 4, ll. 50-56.) However, no part of Cohen's system or process is configured to require predefined additional information before providing access to first information in the event that the recipient processor is determined to be within a predefined location or region, yet provide the recipient process with access to that first information without requiring the predefined additional information in the event that the recipient process is not determined to be within a predefined location or region.

Loban et al. describe a video billboard that includes a video clip storage memory 28. However, like Fano and Cohan, Loban et al. neither describe or suggest a system or method that requires predefined additional information before providing access to first information in the event that the recipient processor is determined to be within a predefined location or region, yet provides the recipient process with access to that first information without requiring the predefined additional information in the event that the recipient process is not determined to be within a predefined location or region.

Accordingly, neither Fano, Cohen nor Loban et al., alone or in combination, describe or suggest the invention recited in claim 40. Therefore, it is submitted that claim 40 is patentably distinguished over the references of record.

A method as recited in claim 49 is also neither described nor suggested by Fano, Cohen or Loban et al., alone or in combination. In particular, none of the cited references teach or suggest a method or system "requiring predefined additional information before providing the

given recipient processor with access to first information in the event that the given recipient processor is determined to be within the predefined location or region,” yet “providing the given recipient processor with access to second information without requiring the predefined additional information in the event that the given recipient processor is not determined to be within the predefined location or region, wherein the one of the first and second information is a partial access but not full access to a product or service and the other of the first and second information is full access to the product or service.”

Nothing in any of the Fano, Cohen or Loban et al. references teach or suggest such features. Accordingly, neither Fano, Cohen nor Loban et al., alone or in combination, describe or suggest the invention recited in claim 49. Therefore, it is submitted that claim 49 is patentably distinguished over the references of record.

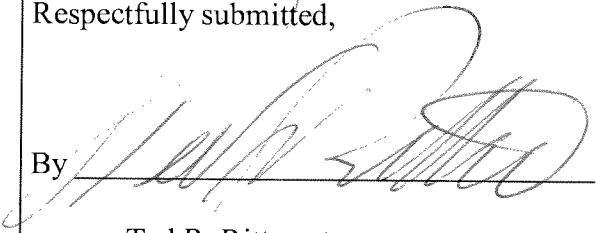
Furthermore, it is respectfully submitted that the present inventors conceived of and constructively reduced to practice the invention of claims 40 and 49 (as well as some or all of the dependent claims 41-48 and 50-57), prior to the earliest effective filing date of each of the Fano reference and the Cohen reference. In particular, the inventors in the present application are also the same inventors named in issued U.S. Patent No. 6,154,172 (filed March 31, 1998). That issued patent (U.S. Patent No. 6,154,172) is not prior art to the present application, because it was filed by the same inventors and was published after the priority date of March 21, 2000, claimed in the present application (based on provisional patent application no. 60/191,003) and within one year of the utility application filing date of the present application. It is submitted that the subject matter of each of claims 40 and 49 is supported by the disclosure in that issued patent (e.g., at col. 8, ll. 13-53 of U.S. Patent No. 6,154,172). Because U.S. Patent No. 6,154,172 was filed (on March 31, 1998) prior to the earliest effective filing date of the Fano reference and of the Cohen reference, U.S. Patent No. 6,154,172 shows that the present inventors conceived of and constructively reduced to practice the presently claimed invention prior to the date of the Fano reference and the Cohen reference. Accordingly, in addition to the above-noted distinctions over Fano and Cohen references, it is respectfully submitted that neither the Fano nor the Cohen references are prior art to the present invention. Applicant reserves the right to file additional

evidence and comments in support of applicant's early date of invention (relative to the Fano and Cohen references), if needed.

Accordingly, at least for the above-noted reasons, it is respectfully submitted that each of claims 40 and 49 are patentable over the references of record.

Each of claims 41-48 is dependent on claim 40 and each of claims 50-57 is dependent on claim 49. Accordingly, at least for reasons discussed above with respect to independent claims 40 and 49, each of dependent claims 41-48 and 50-57 is patentably distinguished over the references of record. Furthermore, each of the dependent claims 41-48 and 50-57 recite additional features that further distinguish those claims from the references of record.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Re-examination and reconsideration of the application, as amended, are requested.

<p>Date <u>December 11, 2008</u></p> <p><u>Correspondence Address:</u>  Greg Piccionelli  Piccionelli &amp; Sarno  1925 Century Park East, Suite 2350  Los Angeles, CA 90067  Telephone: (310) 553-3375  Facsimile: (310) 557-8475</p>	<p>Respectfully submitted,</p> <p>By </p> <p>Ted R. Rittmaster  Applicant and Attorney  Registration No. 32,933</p>
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